

ORIGINAL**BEFORE THE****FEDERAL COMMUNICATIONS COMMISSION**

Washington, DC 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b)
 Table of Allotments
 FM Broadcast Stations
 (Wellington, Texas)

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MM Docket No. 97-104
 RM-9048

To: Chief, Allocations Branch
 Policy & Rules Division
 Mass Media Bureau

SUPPLEMENT TO COUNTERPROPOSAL
AND
REQUEST FOR ISSUANCE OF PUBLIC NOTICE

Hunt Broadcasting, Inc. ("HBI"), licensee of Station KIKM(FM) (formerly KDVE(FM)), Denison-Sherman, Texas, by its counsel, hereby files a supplement to its counterproposal filed May 19, 1997. As indicated in the separately filed Motion for Leave to Supplement Record, the purpose of this supplement is to apprise the staff of a recent decision in a separate but related docketed proceeding, MM Docket No. 95-126, which involves Station KIKM. In addition, HBI requests that the staff take notice of a related separate proceeding in which a counterproposal in MM Docket No. 97-84 was withdrawn. Finally, HBI requests that as a result of these events as will be reported herein, the Commission issue a Public Notice accepting HBI's counterproposal and setting a reply date. In support hereof, HBI states as follows:

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I. MM Docket No. 95-126
(Denison-Sherman, Paris and Jackson, Texas and Madill, Oklahoma)

1. The Notice of Proposed Rule Making, 12 FCC Rcd 3696 (1997) in this proceeding proposed the allotment of Channel 267C3 to Wellington, Texas in response to a petition filed by Stacey Allen Austin. On May 19, 1997, HBI filed a counterproposal to allot Channel 269C to Azle, Texas as its first local service, delete Channel 269C1 (or Channel 269C3) from Denison-Sherman, Texas and modify the license for Station KIKM accordingly. This proposal also requires that Channel 267C1 be substituted for Channel 268C1 at Lawton, Oklahoma for Station KLAJW(FM). The licensee of Station KLAJW consented to the channel substitution and a new transmitter site reference point. HBI offered several other Class C3 channels at Wellington to avoid the conflict. In response, the petitioner, Mr. Austin, indicated his willingness to apply for any of the alternate channels at Wellington. No other comments have been filed.

2. In its counterproposal, HBI indicated that in the Report and Order in MM Docket No. 95-126, the Commission substituted Channel 269C1 for Channel 269C3 at Denison-Sherman, Texas but that proceeding was not yet final in view of a pending Petition for Reconsideration. HBI noted that the Class C1 proceeding had no direct relevance to the instant Class C proposal at Azle and therefore HBI's counterproposal could proceed as a separate proceeding.

3. Since the filing of that counterproposal, the Commission has issued a Memorandum Opinion and Order in MM Docket No. 95-126 affirming the Class C1 allotment. However, on August 8, 1997, HBI filed an Application for Review. As a result, the Class C1 allotment is not yet final. In its Application for Review, HBI requests that the Commission await the outcome of the instant proceeding before taking further action in MM Docket No. 95-126

because a favorable action here will make the matters at issue in the Application for Review moot.

4. In particular, in MM Docket No. 95-126 the Commission substituted channels at Paris, Texas and Madill, Oklahoma to accommodate the Class C1 substitution at Denison-Sherman. Both stations are to be reimbursed for the reasonable costs of the channel changes. However, the instant proceeding specifies a Class C reference point site for Azle which eliminates the need for channel substitutions at Paris and Madill. Should the Commission grant the instant Azle proposal, then the channel substitutions ordered at Paris and Madill would not be necessary. Thus, the Commission could order the Paris and Madill stations to remain on their current channels in this proceeding or in MM Docket No. 95-126. The Paris station is on record in MM Docket No. 95-126 as stating that it would prefer to remain on its current channel. The Madill licensee, which underwent a change in ownership since the proceeding began, has not filed comments. Accordingly, HBI desires to make the staff aware that there is a need to coordinate action on the two proceedings to avoid unnecessary changes to the Table of Allotments.

II. MM Docket No. 97-84 (Pauls Valley, Oklahoma)

5. Although the HBI counterproposal was filed on May 19, 1997, the Commission has not yet issued a Public Notice accepting HBI's counterproposal. Thus, HBI instructed its engineer to rerun the channel studies. In doing so, HBI's engineer discovered that the proposed Channel 267C1 substitution for Station KLAJ at Lawton, Oklahoma now conflicts with a listing in the Commission's database to allot Channel 266A to Ratliff City, Oklahoma in MM Docket No. 97-84. In reviewing the record in MM Docket No. 97-84 undersigned counsel discovered that on April 21, 1997, Carter County Broadcasting filed a counterproposal seeking to allot

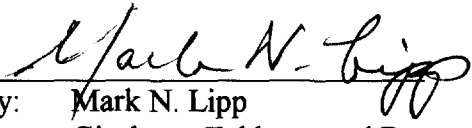
Channel 291A to Ratliff City, Oklahoma. However, the Commission staff apparently, on its own initiative, has entered Channel 266A instead of Channel 291A in its database for Ratliff City. It appears that the listing of Channel 266A at Ratliff City occurred after HBI filed its counterproposal. Therefore HBI did not know about the Channel 266A proposal for Ratliff City prior to its filing and HBI's counterproposal appears to be otherwise acceptable. However, the timing as to who filed first does not matter because the record in MM Docket No. 97-84 now indicates that on July 25, 1997, Carter County Broadcasting withdrew its counterproposal for Ratliff City, Oklahoma. Thus, no party currently has expressed an interest in a Ratliff City station.

Accordingly, the Ratliff City listing in the database for Channel 266A should be deleted and HBI's proposal for Channel 267C1 at Lawton along with Channel 269C at Azle should be entered into the Commission's database immediately. In addition, assuming the Ratliff City proposal was the only obstacle to acceptance of the HBI counterproposal, the Commission should issue a Public Notice to accept the HBI counterproposal for Azle, Texas and set a reply comment date as soon as possible.

Accordingly, HBI urges the Commission to review the impact of MM Docket No. 95-126 and MM Docket No. 97-84 on the instant HBI counterproposal and take the appropriate steps to accept and process HBI's interest in providing Azle, Texas with its first local service.

Respectfully submitted,

HUNT BROADCASTING, INC.



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September 3, 1997

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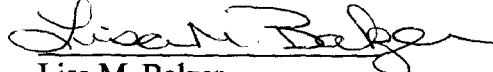
I, Lisa M. Balzer, a secretary in the law firm of Ginsburg, Feldman and Bress, Chartered, do hereby certify that I have, on this 3rd day of September, 1997, sent by first-class U.S. Mail, postage prepaid, copies of the foregoing "SUPPLEMENT TO COUNTERPROPOSAL AND REQUEST FOR ISSUANCE OF PUBLIC NOTICE" to the following:

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